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6 Attorneys for Defendant,
Patrick M. Byrne

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ROBERT HUNTER BIDEN,

11
12 Plaintiff,

13
14 vs.

15 PATRICK M. BYRNE,
16 Defendant.
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Case No.: 2:23-cv-09430-SVW-PD
Judge: Honorable Stephen V. Wilson
Courtroom: 10A

18 EX PARTE APPLICATION FOR A
19 COURT ORDER FOR EXTENSION
20 OF TIME FOR DEFENDANT
21 PATRICK BYRNE TO FILE
22 INFORMATION REQUESTED IN
23 THE COURT'S ORDER OF
24 NOVEMBER 6, 2024

25 *Filed Concurrently with Declaration of*
26 *Michael C. Murphy and [Proposed*
27 *Order]*

28 Complaint Filed: November 8, 2023

Date: October 8, 2024
Time: 9:00 a.m.
Ctrm.: 580

Judge: Patricia A. Donahue

EX PARTE APPLICATION

Pursuant to Central District Local Rule 7-19, Defendant Patrick Byren (“Defendant”) applies Ex Parte for a court order extending the time for him to provide the information the court is requesting in its order of November 6, 2024, that he file with the court on November 8, 2024, and allow him to have up to and including November 11, 2024, to file that requested information.

Plaintiff is asking the court to consider and rule on this Ex Parte Application promptly in chambers and without a hearing in open court so the court can rule on the Ex Parte Application as soon as possible to enable Defendant to have the time he needs to comply with the court’s order of November 6, 2024.

In the court’s order of November 6, 2024, that was issued by the court without notice, an opportunity for the Defendant to respond, and without a hearing, the court in items 2 and 3 of its order has requested that Defendant submit information to the court in response to its order including Defendant’s Declaration, his doctor’s Declaration both with certain attachments, and medical evidence that supports Defendant’s medical condition that precludes him from flying and being able to attend his deposition in the United States as ordered by the court.

There is good cause for the court to grant this Ex Parte Application:

1. The court’s order of November 6, 2024, was issued without any advance notice to Defendant, without an opportunity for Defendant to be heard at a hearing before the order was issued, without any advance Notice of hearing, and without an Ex Parte Application made by Robert Hunter Biden.

2. Defendant is unable to meet the deadline of November 8, 2024, to file his documents with the court because he has been ill with a serious heart problem, there is a time difference of eleven hours between Qatar and Los Angeles which makes it extremely difficult if not impossible to meet the deadline date of November 8, 2024, obtain the information requested by the court in such a short amount of time, prepare Defendant’s Declaration and timely submit it with

1 attachments to the court.

2 3. Defendant's treating physician, Dr. Cynthia S. Maule will not be able
3 to assist Defendant's counsel with the completion and filing of her required
4 Declaration setting forth her medical opinions concerning Defendant's heart
5 condition and ability to fly until over the weekend because her mother was in
6 hospice and died today. Her medical testimony is critical to showing the court the
7 nature, extent, treatment, assessment of Defendant's heart condition and how it
8 precludes him from travelling to the United States to attend his deposition.

9 There is good cause for the court to grant this Ex Parte Application based on
10 the accompanying Declaration of Michael C. Murphy, Esq. under Federal Rule of
11 Civil Procedure 6(b). There has been no previous extension of time requested and
12 granted to the Defendant to comply with the court's order of November 6, 2024.
13 The inability of Defendant to not be able to meet the court's filing deadline for his
14 requested information is not deliberate and he will be irreparably prejudiced if the
15 court does not grant this Ex Parte Application because the court could issue an
16 order mandating he travel to attend his deposition in the United States without the
17 evidence Defendant has to support his contention that it is medically dangerous for
18 him to make that travel by flying at this time and would be highly prejudiced by
19 that outcome. (*Mission Power Engineering Co. v. Continental Cas Co.* (CD CA
20 1995) 883 F. Supp. 488, 492; *In Re Intermagnetics America, Inc.* (CD CA 1989)
21 101 BR 191, 193.

22 Pursuant to Central District Local Rule 7-19.1, on November 7, 2024,
23 Defendant's counsel more than once notified Plaintiff's counsel, Zachary Hansen
24 of his intent to seek this Ex Parte Relief for the continuance requested herein.
25 Plaintiff's counsel indicated that he did not oppose our Ex Parte Application for the
26 requested extension of time and will not appear this Ex Parte Application.

27 Accordingly, there is good cause for the court to grant this Ex Parte
28 Application and grant the requested continuance. Plaintiff's counsel does not

1 oppose this Ex Parte Application.
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3 Dated: November 7, 2024

LAW OFFICES OF MICHAEL C. MURPHY

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5 By: /s/ Michael C. Murphy, Esq.
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7 Michael C. Murphy, Esq.
8 Michael C. Murphy, Jr., Esq.
9 Attorneys for Defendant,
10 Patrick M. Byrne
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